

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION - COLUMBUS**

SHABAKA BROUSSARD
107 Dogwood Drive
Delaware, OH 43015

Plaintiff,

VS.

COLLECTION TECHNOLOGY, INC.
1200 Corporate Center Drive Suite 325
Monterey Park, CA 91754

Defendant.

No.10-209

JURY DEMAND ENDORSED HEREON

VERIFIED CIVIL COMPLAINT
(Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

SHABAKA BROUSSARD (Plaintiff), by his attorneys, KROHN & MOSS, LTD.,
alleges the following against COLLECTION TECHNOLOGY, INC. (Defendant):

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.

3. Defendant conducts business in the State of Ohio, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.
5. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

PARTIES

6. Plaintiff is a natural person residing in Delaware, Delaware County, Ohio.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national corporation with its headquarters in Burbank, California.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt.
12. Defendant places multiple collection calls to Plaintiff weekly.
13. Defendant places collection calls to Plaintiff from: 800-620-4284.
14. Defendant threatened to take money from Plaintiff's taxes.
15. Defendant threatened Plaintiff with wage garnishment.
16. Defendant failed to inform Plaintiff that it is a debt collector in all communications (see Exhibit A).

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,
(FDCPA), 15 U.S.C. § 1692 et seq.

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e(4) of the FDCPA by implying that nonpayment of Plaintiff's alleged debt will result in wage garnishment.
- d. Defendant violated §1692e(5) of the FDCPA by threatening to take money from Plaintiff's taxes, a threat that cannot legally be taken.
- e. Defendant violated §1692e(10) of the FDCPA by engaging in deceptive means to attempt to collect a debt by failing to disclose in all communications that the call was from a debt collector.
- f. Defendant violated §1692e(11) of the FDCPA by failing to disclose in all communications that the call was from a debt collector.

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

18. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,

19. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

20. Actual damages,

21. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*

22. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk
Peter Cozmyk,
Attorney for Plaintiff

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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, SHABAKA BROUSSARD hereby demands trial by jury in this action.

EXHIBIT A

Hi, this message is for Shabaka Broussard, Liana calling from CTI. It is imperative that you do return the call. My number here is toll free 1-800-620-4284, extension 3116. When returning the call reference number is 623104 _____, 1-800-620-4284, extension 3116.

Hi, this is Merka calling from CTI. I last spoke with you on the 31st. I was actually made aware that you spoke with a representative from the corporate office on the 6th. I am actually following up on the credit card that I have placed in my office. Give me a call back. I do have a couple of questions in regards what is going on _____. If you can, give me a call so that I can know what is going on and how _____. My number here is toll free 1-800-620-4284, extension 3160.

VERIFICATION OF COMPLAINT AND CERTIFICATION

(STATE OF OHIO)

Plaintiff, SHABAKA BROUSSARD, says as follows:

1.

I am the Plaintiff in this civil proceeding.

2.

I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.

3.

I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.

4.

I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.

5.

I have filed this Complaint in good faith and solely for the purposes set forth in it.

6.

Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.

7.

Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, SHABAKA BROUSSARD, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 3/9/10

SHABAKA BROUSSARD

Plaintiff